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Attorney Docket No.: 04645.0664

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22231-1450.

Rachel Watt

Name of person signing the certification

Carl A. S.

December 31, 2003

Signature

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Robert ZAYATZ
Patent No. : 6,671,187.
Issue Date : December 30, 2003
Title : PROTECTION DEVICE HAVING A SLEEVE
AND METHOD OF ASSEMBLING A BATTERY
WITH A PROTECTION DEVICE AND AN
ELECTRICAL COMPONENT

REQUEST FOR RECONSIDERATION OF

PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, V.A. 22313-1450

Sir:

Applicant hereby requests reconsideration of the patent term adjustment indicated in the cover page of Patent No. 6,671,187, which issued on Dec. 30, 2003. The issued Patent indicates a patent term adjustment of zero (0) days.

Applicant respectfully submits that the patent is entitled to a patent term adjustment of seventeen (17) days.

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The above-identified patent was originally filed as application serial no. 09/667,983 on September 22, 2000. Pursuant to 37 CFR §1.702(b) and 37 CFR §1.703(b), the period of three years from the filing date for the Office to issue a patent ended on September 22, 2003. The patent was actually issued on December 30, 2003. This is ninety nine (99) days after the expiration of the three year period.

On October 3, 2001, the Office mailed an action under 35 U.S.C. 132. In response thereto, Applicant filed a reply on February 15, 2002. Pursuant to 37 CFR §1.704(b), Applicant failed to engage in reasonable efforts to conclude processing or examination of the application for filing the reply more than three months after the mailing date of the action. The adjustment period is therefore reduced by forty three (43) days.

On May 23, 2002, the Office mailed an action under 35 U.S.C. 132. In response to this action, Applicant filed a reply on August 28, 2002. Pursuant to 37 CFR §1.704(b), Applicant failed to engage in reasonable efforts to conclude processing or examination of the application for filing the reply more than three months after the mailing date of the action. The adjustment period is therefore reduced by five (5) days.

On November 18, 2002, the Office mailed an action under 35 U.S.C. 132. In response to this action, Applicant filed a reply on March 24, 2003. Pursuant to 37 CFR §1.704(b), Applicant failed to engage in reasonable efforts to conclude processing or examination of the application for filing the reply more than three months after the mailing date of the action. The adjustment period is therefore reduced by thirty four (34) days.

The total delay by the Applicant, under 37 CFR §1.704(b), for failing to engage in reasonable efforts to conclude processing or examination of the application for filing a reply more than three months after the mailing date of the action is eighty two (82) days.

Applicant therefore request the correct patent term adjustment of seventeen (17) days running from the expiration date of the patent.

The patent is not subject to any terminal disclaimer.

The fee under 37 C.F.R. § 1.18(e) in the amount of \$200.00 is enclosed herewith. The Commissioner is hereby authorized to credit any overpayment to or deduct any additional fees occasioned by this paper from Deposit Account No. 08-2442 of the undersigned.

If there are any difficulties with this request, it is requested that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,
HODGSON RUSS LLP
Attorneys for Applicant(s)

By: Rachel Watt

Rachel S. Watt
Patent Agent
Reg. No. 46,186
Acting under 37 CFR §1.34(a)

Date: December 31, 2003

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Enclosure: Fee of \$200.00